

REMARKS/ARGUMENTS

Claims 17, 18, 20 to 25, 28 to 32, 34 and 35 were rejected under 35 U.S.C. 102(b) as being anticipated by Shyr et al. (US 5,743,375). Claims 19 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shyr et al. (US 5,743,375). Claims 26 and 27 were allowed.

Reconsideration of the application is respectfully requested based on the following.

Rejections under 35 U.S.C. §102(e)

Claims 17, 18, 20 to 25, 28 to 32, 34 and 35 were rejected under 35 U.S.C. 102(b) as being anticipated by Shyr et al. (US 5,743,375).

Shyr does not teach or disclose a gas turbine conveying device.

As admitted by the Office Action, Shyr does not disclose a gas turbine conveying device. Anticipation requires that every element of a claim be met: see MPEP 2131. The present claim is not merely claiming any conveying device capable of conveying a gas turbine, but rather a gas turbine conveyor, which is a specific type of conveyor in the gas turbine art. Many conveyors are particular structures known by the things they convey: luggage conveyors, newspaper conveyors etc. are all known different structures, just as CD players, cassette tape players etc are different structures, even if known by what they play. A gas turbine conveyor is how the art calls these structures, and the use of such combinations of words to connote structure in the art is common: in fact, a gas turbine clearly connotes a particular structure that is moved by a gas, not a solid.

It is clear that Shyr does not disclose a gas turbine conveyor as claimed.

In addition to the fact that Shyr is not a gas turbine conveyor as that structure is known in the art, it also is clear that conveyor of Shyr is not capable of conveying any kind of gas turbine as one of skill in the art understands a gas turbine reading the present specification.

Moreover, the grounds for rejection “one of ordinary skill in the art *could* construe the device of Shyr et al. is capable of conveying a gas turbine” is not the standard for anticipation. See MPEP 2131.

If an obviousness rejection is being made, applicant respectfully requests a new office action setting forth the proper reasons.

In addition with regard to claims 34 and 35, no method for moving or raising a gas turbine or gas turbine module is shown or disclosed in Shyr.

With respect to claims 34 and 35, a gas turbine is positively recited: the method requires actual movement of a gas turbine: “a gas turbine ... is raised” (claim 34) and “moving ... the gas turbine or gas turbine module” (claim 35). Where is a gas turbine moved in Shyr?

There clearly is no anticipation of these claims, as Shyr admittedly does not disclose moving a gas turbine or turbine module as all. See MPEP 2131.

Withdrawal of the 35 U.S.C. 102(b) rejections to claims 17, 18, 20 to 25, 28 to 32, 34 and 35 is respectfully requested.

Rejections under 35 U.S.C. 103(a)

Claims 19 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shyr et al. (US 5,743,375).

In view of the above, withdrawal of the rejection to claims 19 and 33 is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request allowance of pending claims 17 to 35.

Respectfully submitted,

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